

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**

Docket No.  
1038-729 MIS:jb

In Re Application Of: Barbara Papadopolou



Serial No.  
08/931,721

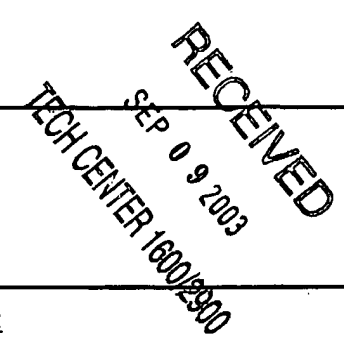
Filing Date  
Sept-16-1997

Examiner  
Stephen Gucker

Group Art Unit  
1647

Invention: **MACROPHAGE-INFECTING PARASITES EXPRESSING A GRANULOCYTE-MACROPHAGE  
COLONY STIMULATING FACTOR**

Owner of Record: UNIVERSITÉ LAVAL



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,331,304. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Signature

Dated: August 29, 2003

Michael I. Stewart (Reg. No. 24,973)

Typed or Printed Name

09/08/2003 ARJONDAF1 00000003 08931721

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110.00 DP

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.  
☒ PTO suggested wording for terminal disclaimer was unchanged.  
☒ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

SERIAL NO. ~~00/719,768~~

08/931,721

FILING DATE

**GROUP 1645**

[illegible]

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCL.	TRANSLATION	
							YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
	**	1.	WHO, Tropical Disease Report, 1989. pp. 85-92.					
		2.	Turco, S.J. and Descoteaux, A., 1992 The liposphosphoglycan of Leishmania parasites. Annu. Rev. Microbiol. 46:65-94					
		3.	Modabber, F. 1989. Experiences with vaccines against cutaneous leishmaniasis: of men and mice. Parasitol. 98:S49-S60					
		4.	Coffman, R. et al. (1991) Immunol. Rev. 123:190-207					
		5.	Locksley, R.M. and Scott, P. (1991). Immunol. Today 12A: 58-A61					
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		11.	Murray, H. W. (1994a) Bailliere's Clin. Infect. Dis. 1: 237-246					
EXAMINER: KHA LTD MANSOOR		DATE CONSIDERED: 11-20-98						

EXAMINER: KLAAR LTD MATSON

**DATE CONSIDERED:**

11-20-98

EXAMINER: KIAA LTD MANSOUR DATE CONSIDERED: 11/11/2011

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered; Include copy of this form with next communication with applicant.



FORM PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 1038-629MIS:II	SERIAL NO. <del>08/713,768</del> <b>08/931,721</b>
	APPLICANT Barbara Papadopoulos et al	
	FILING DATE September 13, 1996	GROUP 1645



## U.S. PATENT DOCUMENTS

*INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCL.	FILING DATE

## FOREIGN PATENT DOCUMENTS

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							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>km</i> 	23.	Green, S.J. et al. (1990) J. Immunol. 145: 4290.
	24.	Muyombwe, A. et al. (1996) Exp. Parasitol. Submitted.
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	EXAMINER:	<i>KATHA LIO MASON</i>
	DATE CONSIDERED:	<i>11-20-98</i>

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	APPLICANT <b>Barbara Papadopolou et al</b>	
	FILING DATE <b>September 13, 1996</b>	GROUP <b>1645</b>

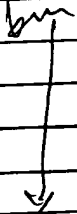


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		34.	Elizabeth Olivares Fontt et al. Infect. Immu. (1998), 64(8), 3429-3434 Coden: Infibr; Issn: 0019-9587.					
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38. Ho, J. H. et al., J. Infect. Disc., vol. 162, no. 1, 1990, pages 224-30.

EXAMINER: **K 4A L20**DATE CONSIDERED: **11-20-98**

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\*\* Will Follow shortly